

	<h1 style="text-align: center;">S.O.P</h1>		Effective Date: 04/01/2018
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<h2>Mandatory Random Drug Testing</h2>			
Issuing Authority:			
Chief Michael Reilly			
Revision Date		Page Numbers	Section s
04/30/2018 Amended per AG Policy			Approved MGR

I. Purpose

In accordance with The State of New Jersey Office of the Attorney General Law Enforcement Directive No. 2018-2, established March 20, 2018 and entitled “Statewide Mandatory Random Drug Testing,” and in accordance with the established Attorney General’s Law Enforcement Drug Testing Policy (Revised April 2018), Mansfield Township, County of Warren, State of New Jersey, having been directed by the Office of the Attorney General to do same, hereby implements, effective the 30th day of April, 2018, the following policy, which shall hereafter be referred to as the Mansfield Township Law Enforcement Drug Testing Policy.

It shall be the policy of Mansfield Township to conduct drug testing of sworn law enforcement officers, law enforcement trainees, and applicants for law enforcement officer employment in compliance with the directives of the Office of the Attorney General in order to maintain professional standards of performance and to help ensure the trust of the community in those who enforce the law.

II. Applicability

This policy shall apply to:

A. Personnel

1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6 (“Applicants”);
2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course (“Trainees”);
3. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6 (“Sworn Officers”).

4. This Mansfield Township Law Enforcement Drug Testing Policy does not apply to civilian employees of Mansfield Township.

B. Employment Status

Drug testing may be categorized by the employment status of the individual being tested and the method by which the individual was selected for testing. These methods include applicant testing, trainee testing, and sworn officer testing. Testing is required of all police Applicants and Trainees. Sworn Officers are subject to random drug testing.

Further, Sworn Officers and trainees are subject to drug testing when there exists reasonable suspicion to believe that the Sworn Officer or Trainee is illegally using drugs.

1. Applicant Testing

The Mansfield Township Law Enforcement Drug Testing Policy recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees will be tested as a condition of employment. Said drug testing may occur at any point during the pre-employment process.

In addition, Applicants for employment may be tested as many times as Mansfield Township Police Department deems necessary to ensure that Applicants are not engaged in the illegal use of drugs. For example, Applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.

During the pre-employment process, Mansfield Township will not make medical inquiries. The medication information form attached to this policy will NOT be used with Applicants, unless a positive test result requires an explanation by the prospective employee.

2. Trainee testing

Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of Trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission. Individual Trainees may also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the Trainee is illegally using drugs. A Trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the Chief of Police, or the academy director.

3. Sworn Officer testing

Sworn law enforcement officers shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test.

Random selection shall be defined as a method of selection in which each and every sworn member of the Mansfield Township Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

Sworn Officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs. A Sworn Officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor or the Chief of Police.

Urine specimens may also be collected from law enforcement officers during regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

C. Types of Testing

1. Random Testing

Random drug testing of all state, county and local sworn law enforcement officers is required by AG Directive 2018-2. Random selection is defined as a method of selection in which each and every sworn member of the Mansfield Township Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. The following general provisions shall apply to random drug testing under this policy:

- a. No random drug testing shall take place under this policy during the first sixty (60) days following the effective date of this policy as set forth in the Preamble above;
- b. Thereafter, random drug testing shall be conducted at least once in the remainder of 2018, and at least twice in every subsequent calendar year.
- c. All Sworn Officers of the Mansfield Township Police Department are eligible for random drug testing, regardless of rank or assignment.
- d. The number of officers to be selected each time a random selection takes place shall equal 10% of the total number of sworn officers employed by the Township. If the application of the percentage results in a fraction of a whole number of officers, the fraction shall be rounded up to the nearest whole number and the result shall be the number of officers selected.
- e. Beginning in 2019, random selection will take place twice per year on dates chosen by the Chief of Police or his designee in his absence. There will be no prior notice given of the dates of the selection process or the collection of the samples.
- f. To ensure that every sworn officer in the agency has an equal chance to be selected for testing each and every time a selection takes place, the method of random selection shall be by a computer-based random number generator. An officer who has been selected on one or more previous occasions for random testing is thus not excused from future tests,

and will remain with an equal chance to be selected for testing each and every time a selection takes place.

g. The selection process shall be verified by two (2) witnesses, which shall include the Internal Affairs Officer and a member of the police collective bargaining unit(s), who will witness the selection process.

h. The selection process will be documented in a written report prepared by the Internal Affairs Officer, who shall store the report in the Internal Affairs File.

i. Any member or employee of the Mansfield Township Police Department who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to discipline up to and including termination.

j. Collection of urine specimens from selected officers shall occur in a prompt, efficient and confidential manner in accordance with the below provisions.

k. Upon an initial positive result, the officer providing the specimen that tested positive shall be suspended immediately from all duties. Upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer, the officer shall be reported to the Central Drug Registry maintained by the State Police, and the officer shall be permanently barred from future law enforcement employment in New Jersey.

l. Any officer who refuses to submit to a drug test when randomly selected is subject to the same penalties as those officers who test positive for the illegal use of drugs.

m. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for random drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

n. In the event that one or more of the randomly selected personnel are not available on the date that the list was selected, said lack of availability to be based on good cause shown as confirmed by the Chief of Police in his discretion, then the following shall apply:

(1) The Internal Affairs Supervisor shall test the employee/employees at the earliest time available after the employee returns to work;

(2) The Chief of Police has the discretion to excuse a selected employee on a case-by-case basis if the employee is absent due to military or an extended injury leave.

(3) Any pending selection list shall expire at such time as the next random test is administered, notwithstanding that personnel from the previous list have not been tested due to unavailability or excusal.

2. Reasonable Suspicion

The Mansfield Township Police Department will undertake drug testing when there is reasonable suspicion to believe a Sworn Officer is engaged in the illegal use of controlled substances. Reasonable suspicion requires objective facts which, with inferences, would lead a reasonable person to conclude that drug-related activity is taking or has taken place and that the individual Sworn Officer to be tested is involved in that drug activity.

The reasonable suspicion standard is less demanding than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be less reliable than that required to show probable cause. The following factors will be evaluated to determine the quality and relevance of the information acquired by the Mansfield Township Police Department with respect to suspected illegal use of drugs by a Sworn Officer:

- a. The nature and source of the information;
- b. Whether the information constitutes direct evidence or is hearsay in nature;
- c. The reliability of the informant or source;
- d. Whether corroborating information exists and the degree to which it corroborates the accusation; and
- e. Whether and to what extent the information may be stale.

Before the Chief of Police orders an individual Sworn Officer to undergo reasonable suspicion testing, the Mansfield Township Police Department shall prepare a written report documenting the basis for the test. The report shall be reviewed by the county prosecutor or the Chief of Police before a reasonable suspicion test is ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.

III. Notification of Drug Testing Procedures

A. Applicants

Applicants must be notified that the pre-employment process will include drug testing. The notification must indicate that a negative result is a condition of employment and that a positive result will: (a) result in the Applicant being dropped from consideration for employment; (b) cause the Applicant's name to be reported to the central drug registry maintained by the Division of State Police; and (c) preclude the Applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. In addition, the notification will indicate that if the Applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in the State of New Jersey. Applicants shall be

further informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in the State of New Jersey.

B. Trainees

All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in: (a) result in the Trainee being dismissed from basic training; (b) the Trainee's termination from employment; (c) inclusion of the Trainee's name in the central drug registry maintained by the Division of State Police; and (d) the Trainee being permanently barred from future law enforcement employment in the State of New Jersey. In addition, the notification will indicate that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in the State of New Jersey and inclusion of the Trainee's name in the central drug registry maintained by the Division of State Police.

C. Sworn Officers

All sworn members of the Mansfield Township Police Department are hereby notified that individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the Sworn Officer is illegally using drugs, and when they are randomly selected for drug testing in accordance with this policy. A negative result is a condition of employment as a Sworn Officer and a positive result will result in: (a) the Sworn Officer's termination from employment; (b) inclusion of the Sworn Officer's name in the central drug registry maintained by the Division of State Police; and (c) the Sworn Officer being permanently barred from future law enforcement employment in the State of New Jersey. Sworn Officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. A Sworn Officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

IV. Specimen acquisition procedures

A. Preliminary acquisition procedures

1. The Chief of Police shall designate a male supervisor of the Mansfield Township Police Department to serve as monitor of the specimen acquisition process with respect to male law enforcement officers. A female supervisor shall serve as monitor of the specimen acquisition process with respect to female law enforcement officers. In the event there is no same-sex monitor available from the Greenwich Township Police Department, a monitor from another law enforcement agency may be requested to serve as monitor of the process.

2. Prior to the submission of a specimen, an Applicant shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Attachment A hereto).

Applicants are not required to complete a Drug Testing Medication Information form at this time.

3. Prior to the submission of a urine specimen, a Trainee enrolled in a basic training course shall execute a form (Attachment B hereto). Trainees shall also complete a Drug Testing Medication Information form (Attachment D hereto) listing all medications, both prescription and over-the-counter (non-prescription), dietary supplements and nutritional supplements that were ingested by the Trainee in the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

4. Prior to the submission of a urine specimen, Sworn Officers shall execute a form (Attachment C). Sworn Officers shall also complete the Drug Testing Medication Information form (Attachment D) listing all medications, both prescription and over-the-counter (non-prescription), dietary supplements and nutritional supplements that were ingested by the Sworn Officer in the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

B. Monitor's responsibilities

1. The monitor of the specimen acquisition process shall be responsible for:

- a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor);
- b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
- c. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
- d. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances will a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. Mansfield Township Police Department will contact the Laboratory and obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
- e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology Laboratory.

2. In order to ensure the accuracy and integrity of the collection process a monitor may:

- a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters, etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.

b. Add tinting agents to the toilet water and secure the area where the specimens are to be collected prior to specimen collection.

3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

C. Urine specimen collection procedure

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.

2. The monitor allows the donor to select two sealed specimen container kits.

3. The donor unseals both kits and removes the kit contents on a clean surface.

4. Using an ordinary pencil, the donor writes his/her SSN and the letter "A" below the SSN on one of the 'ID' labels, and places the label inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively.

5. Next, using an ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second I.D. label, and places the label inside the second specimen contained printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.

6. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.

7. The monitor instructs the donor to void a specimen between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.

The monitor must follow the "shy bladder" procedure for donors that are unable to produce an adequate amount of urine (see below).

8. The monitor checks each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90 degrees and 100 degrees indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable in the "Yes/No" column for each specimen and writes the collection date and his/her initials in the spaces provided on the submission form. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.

9. If the monitor is satisfied that all test requirements are met and that the required documentation is accurate, he/she shall request the donor to seal the specimen containers.

10. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner.

D. "Shy Bladder" procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:

- a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
 - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
 - c. Under no circumstances should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor will have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

E. Second specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.

2. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the Mansfield Township Police Department.

3. The second specimen will be released by the NJSTL under the following circumstances:

- a. Mansfield Township Police Department is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
- b. Mansfield Township Police Department notifies the donor that the first specimen tested positive for a controlled substance; and
- c. The law enforcement agency is informed by the donor whose specimen tested positive that the individual wishes to challenge the positive result.
- d. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services

Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.

e. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.

f. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to Mansfield Township Police Department, and to the medical review officer at NJSTL.

V. Submission of specimens for analysis

A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests under this policy.

B. Every attempt will be made to submit urine specimens to the State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the specimen shall be stored in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory (Attachment E).

C. Submission of specimens to the State Toxicology Laboratory will be accomplished by personnel from the Mansfield Township Police Department delivering the specimens to the State Toxicology Laboratory.

D. All specimens will be accompanied by the Law Enforcement Drug Testing Custody and Submission Form, which will be obtained from the lab, and the sealed envelope containing the Medication Information Form.

VI. Analysis of specimens

A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimen, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports.

B. The State Toxicology Laboratory shall screen each specimen for the following substances and their metabolites:

1. Amphetamine/Methamphetamine;
2. Barbiturates;

3. Benzodiazepine;
4. Cocaine;
5. Marijuana;
6. Methadone;
7. Opiates;
8. Oxycodone/Oxymorphone;
9. Phencyclidine.

The Chief of Police, in his discretion, may additionally request that one or more specimens be analyzed for the presence of steroids.

C. The State Toxicology Laboratory uses a two stage procedure to analyze specimens.

1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the substances listed above and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.

2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantization of drugs and/or metabolites presumptively identified by the initial screen.

D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any substance listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the specimen to obtain further information from the individual being tested concerning the medications listed on the medical information form. In such an event, the Mansfield Township Police Department will promptly obtain the information from the individual being tested and provide a response to the State Toxicology Laboratory. Should the individual being tested fail or refuse to promptly provide the additional information requested by the laboratory, said failure shall constitute a refusal to take the drug test and shall incur the consequences set forth in this policy for refusals. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.

E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an Applicant tests positive, Mansfield Township Police Department, following notification from the State Toxicology Laboratory, will have the Applicant complete the Drug testing Medication Information form (Attachment D). Once the form has been completed, the Mansfield Township Police Department will transmit the form to the laboratory. Should the

individual being tested fail or refuse to promptly provide the additional information requested by the laboratory, said failure shall constitute a refusal to take the drug test and shall incur the consequences set forth in this policy for refusals. A review of the form will be conducted by the medical review officer as outlined above.

F. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

VII. Drug test results

A. The State Toxicology Laboratory will notify the Mansfield Township Police Department of test results from the specimens submitted for analysis. All reports will be in writing and all efforts will be made to deliver these reports to the Police Department within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.

B. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. At this point, it is the responsibility of Mansfield Township to determine whether the officer had a valid prescription for that drug. Officer who do not have a valid prescription are subject to disciplinary action including termination.

C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

D. The Mansfield Township Police Department will notify the sworn officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.

VIII. Consequences of a positive test result

A. When an Applicant tests positive for illegal drug use:

1. The Applicant shall be immediately removed from consideration for employment by the Mansfield Township Police Department;
2. The Applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the Mansfield Township Police Department;
3. The Applicant shall be precluded from consideration for law enforcement employment by any law enforcement agency in New Jersey for a period of two years;

4. Where the Applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.

B. When a Trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:

1. The Trainee shall be immediately dismissed from basic training and suspended from employment by the Mansfield Township Police Department;
2. The Trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the Mansfield Township Police Department;
3. The Trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
4. The Trainee shall be permanently barred from future law enforcement employment in the State of New Jersey.

C. When a Sworn Officer tests positive for illegal drug use under this policy:

1. The Sworn Officer shall be immediately suspended from all duties;
2. The Sworn Officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer with the Mansfield Township Police Department;
3. The Sworn Officer shall be reported by the Mansfield Township Police Department to the Central Drug Registry maintained by the Division of State Police;
4. The Sworn Officer shall be permanently barred from future law enforcement employment in New Jersey; and
5. The Chief of Police or a person he/she designates shall provide a confidential written notice of the positive test result to the County Prosecutor or his/her designee within 10 days and, upon completion of any disciplinary action, shall report the discipline to the County Prosecutor or his/her designee.

IX. Consequences of a refusal to submit to a drug test

A. Applicants who refuse to submit to a drug test during the pre-employment process:

1. Shall be immediately removed from consideration for law enforcement employment;
2. Shall be barred from consideration for future law enforcement employment for a period of two years from the date of the refusal; and
3. The Mansfield Township Police Department will forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

B. Trainees who refuse to submit to a drug test during basic training:

1. Shall be immediately removed from the academy;
2. Shall be immediately suspended from employment;
3. Upon a finding that the Trainee did in fact refuse to submit a sample, the Trainee shall be terminated from law enforcement employment.
4. Upon a finding that the Trainee did in fact refuse to submit a sample, the Trainee shall also be permanently barred from future law enforcement employment in New Jersey;
5. The Mansfield Township Police Department will forward the Trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

C. A Sworn Officer who refuses to submit to a drug test ordered in response to reasonable suspicion or random selection:

1. Shall be immediately suspended from employment;
2. Upon a finding that the officer did in fact refuse to submit a sample, the Sworn Officer shall be terminated from law enforcement employment;
3. Upon a finding that the Sworn Officer did in fact refuse to submit a sample, the Sworn Officer shall also be permanently barred from future law enforcement employment in New Jersey;
4. The Mansfield Township Police Department will forward the Sworn Officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test;
5. The Chief of Police or a person he/she designates shall provide a confidential written notice of the refusal to the County Prosecutor or his/her designee within 10 days and, upon completion of any disciplinary action, shall report the discipline to the County Prosecutor or his/her designee.

X. Resignation/Retirement in lieu of disciplinary action

A sworn law enforcement officer who tests positive for illegal drug use, or who refuses to submit to a drug test or produce a urine specimen for drug testing after receiving a lawful order to do, and who thereafter resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

XI. Record keeping

A. The Mansfield Township Police Department's Internal Affairs Officer shall maintain all records relating to the drug testing of Mansfield Township Police Department applicants, trainees, and sworn law enforcement officers;

B. The Mansfield Township Police Department's drug testing records shall include but not be limited to:

1. the identity of those ordered to submit urine samples;
2. the reason for that order;
3. the date the urine was collected;
4. the name of the monitor of the collection process;
5. the chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
6. the results of the drug testing;
7. copies of notification to the subject;
8. for any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
9. for any positive result or refusal, appropriate documentation of disciplinary action.

C. For random drug testing, the records will also include the following information:

1. a description of the process used to randomly select officers for drug testing;
2. the date selection was made;
3. a copy of the document listing the identities of those selected for drug testing;
4. a list of those who were actually tested;
5. the date(s) those officers were tested.

D. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

XII. Central Drug Registry

A. The Mansfield Township Police Department will notify the Central Drug Registry maintained by the Division of State Police of the identity of any Mansfield Township Police Department applicants, trainees, or sworn law enforcement officers who test positive for the illegal use of drugs or refuse an order to submit to a drug test (Attachment F hereto).

B. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by his or her employer to the Central Drug Registry and shall be permanently barred from future law enforcement employment in the State of New Jersey.

C. Notifications to the Central Drug Registry shall include the following information as to each individual:

1. name and address of the submitting agency, and contact person;
2. name of the individual who tested positive;
3. last known address of the individual;
4. date of birth;
5. social security number;
6. SBI number (if known);
7. gender;
8. race;
9. eye color;
10. substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
11. date of the drug test or refusal;
12. date of final dismissal or separation from the agency; and
13. whether the individual was an applicant, trainee or sworn law enforcement officer.

D. The certification section of the notification form will be completed by the Chief of Police, and notarized with a raised seal.

E. Notifications to the central registry shall be sent to:

Division of State Police

State Bureau of Identification

Central Drug Registry

P.O. Box 7068

West Trenton, New Jersey 08628-0068

F. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:

1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and
2. In response to a court order.

XIII. Annual report to County Prosecutor

By December 31st of each year, the Mansfield Township Police Department shall provide written notice to the County Prosecutor or his/her designee of the dates of drug testing of sworn law enforcement officers conducted during the prior year, the total number of sworn law enforcement officers employed by the agency, the total number of sworn law enforcement officers tested, and the total number of sworn officers who tested positive for illegal use of drugs.

XIV. Public Accessibility and Confidentiality

All random drug testing policies adopted by law enforcement agencies are required to be made available to the public upon request and to be posted on the agency's website. Accordingly, the Mansfield Township Police Department will provide a copy of this policy to any member of the public upon request, and will maintain a digital copy of the policy through the Mansfield Township website.

All written reports created or submitted pursuant to this policy and/or Directive No. 2018-2 that identify specific officers are confidential and not subject to public disclosure.